



City of Freeport
SPECIAL COUNCIL MEETING
6:00 p.m./Council Chambers/Freeport City Hall
August 1, 2019 Minutes

I. Meeting Called to Order

The meeting was called to order at 6:00 p.m. by Mayor Russ Barley in the Council Chambers of Freeport City Hall.

Council members present: Councilwoman Amanda Green, Councilwoman Elizabeth Brannon, Councilman Eddie Farris, Councilman William “Boots” McCormick, Councilwoman Elizabeth Haffner.

Staff members present: City Attorney Clay Adkinson, Planning Director Latilda Neel, Planning Technician Brooke Jackson, Clerk Assistant Lori Cox.

II. Invocation and Pledge of Allegiance

The Invocation was given by Councilman Farris, Followed by the Pledge of Allegiance to the American Flag.

III. Tenewitz Abandonment

Mayor Barley turned the meeting over to City Attorney Clay Adkinson to establish the ground rules of the meeting. The petitioner, Mr. and Mrs. Tenewitz was given twenty minutes to present their case. The opposition, Mr. and Mrs. McDonald, represented by Ashley Rogers with Dunlap & Shipman Attorneys at Law was given twenty minutes to represent their case. The remaining twenty minutes were reserved for questions and comments.

- A. Mr. Ed Tenewitz and wife, Christine Tenewitz approached the podium to present their case. Mr. Tenewitz showed several land diagrams to Council of the platted right-of-way in front of his property he was requesting to be abandoned by the City of Freeport. Mr. Tenewitz referred to Section 5.04.0 Stormwater Management Requirements of the City of Freeport Land Development Code pointing out exemptions. Mr. Tenewitz also presented a letter from Walton County Attorney, George Ralph Miller written in 1995 referencing previous landowner, John Mayer. The letter stated that 40 feet lying immediately north of Mr. Mayer’s property on Bayview will be opened and maintained by Walton County effective January 15, 1996. The letter also stated that the Board of County Commissioners had no intention of exercising their right to use the entire 80 feet established on the Bayview Heights Subdivision Plat. Full submitted packet is available in the City Clerk’s office.



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- B. Ashley Rogers with Dunlap & Shipman, representing Mr. and Mrs. Charles McDonald approached the podium to present opposition to the abandonment providing a power point presentation. Rogers offered the following evidence in opposition to the petition.

1. If the petition were granted, the City would reduce the current public right of way to a distance less than allowed by the City's own LDC. 2. If petition were granted, the City would act in contravention of Walton County's express intent to maintain the public rights of way shown on the Bayview Subdivision Plat. 3. If the petition were granted, the City's act would create financial damages to clients. 4. If petition were granted, the City would eliminate the possibility of improvements for utilities and stormwater management in Bayview Subdivision. The community currently needs these improvements. 5. If petition were granted, the City would eliminate the possibility of design improvements for the intersections and sharp curve at Red Barn Road and Bayview Drive. 6. If petition were granted, the City would benefit the applicants to the detriment of the McDonalds and surrounding neighbors and for no positive benefit to the City of Freeport. Full submitted packet is available in the City Clerk's office.

IV. Public Comment

J.D. Golden, residing on Red Barn Rd. approached the podium and stated his and other neighbors' present in the audience opposition to the abandonment. Mr. Golden stated that the dirt that Mr. Tenewitz dumped in the drainage ditch has caused flooding issues for homeowners. Golden also expressed concern with the pylons placed by Mr. Tenewitz on the right-of-way.

Brad Schneller, resident on Red Barn Rd. approached the podium to state his personal experience with flooding due to the dirt Mr. Tenewitz placed in the drainage ditch.

City Council used the following language from Section 5.01.03 (D) of the Land Development Code as a guide for their decision.

Vacations of Right-of-Ways

Application to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation Circulation Element of the City of Freeport Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.



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3. The vacation would not jeopardize the current or future location of any utility.
4. The proposed vacation is not detrimental to the public interest and provides a positive benefit to the City of Freeport.

*Council Action: Councilman McCormick motioned to deny the abandonment.
Councilwoman Haffner seconded the motion. All ayes; motion carried.*

Adjournment

The meeting was adjourned by Mayor Barley at 6:50 p.m.

CITY OF FREEPORT



Mayor

ATTEST:



Clerk Assistant